

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DAVID DAYTON PALMER,)	CASE NO. 1:08 CV 790
)	
Plaintiff,)	JUDGE KATHLEEN M. O'MALLEY
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
UNITED STATES, et al.,)	<u>AND ORDER</u>
)	
Defendants.)	

On March 27, 2008, plaintiff pro se David Dayton Palmer filed this action against the United States, the State of Ohio, Marc Dann, Julius Wilson, and Mathias H. Heck. The document initiating this action is entitled "Application for Writ of Common Law Coram Nobis for Reduction to Judgments of Claims after Exhaustion of Administrative Remedies with Pleadings in Fact and Points and Authorities Enclosed." While the document is unclear, it appears evident that Mr. Palmer is seeking to challenge his Montgomery County Court of Common Pleas convictions for rape of person less than 13 years of age. For the reasons stated below, this action is dismissed pursuant to 28 U.S.C. § 1915A.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental

officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000)

The Supreme Court has held that, when a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." Preiser v. Rodriguez, 411 U.S. 475, 501 (1973). Accordingly, this action is dismissed without prejudice under section 1915A. Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Kathleen M. O'Malley
KATHLEEN M. O'MALLEY
UNITED STATES DISTRICT JUDGE

DATED: April 30, 2008